(1)

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SUPREME COURT OF THE UNITED STATES

Richard Fuselier, Richard Ortt & Compensation Consultants, Inc.

Petitioners,

vs.

United States,

Respondent,

An Application For A Writ of Habeas Corpus Ad Subjiciendum

In Reference to: Richard Fuselier

On An Application For A Writ of Habeas Corpus Ad Subjiciendum To The Common Law Court of the United States of America and the United States Court of Appeals For the Fifth Circuit

Richard Fuselier
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(a)

QUESTIONS PRESENTED FOR REVIEW

Is the United States of America to obtain full faith and credit as provided by Title 28 U.S.C. § 1652 and Article IV Section 1 of the Constitution of the United States?

Is the United States of America going to obtain full faith and credit as provided by Title 26 U.S.C. § 634(b) and Article 1, Section 9, Clause 10 of the Constitution of the United States?

Is the United States of America going to obtain full faith and credit as provided by Title 28 U.S.C. § 2248 and Article 1, Section 9, Clause 2 of the Constitution of the United States?

Is the United States of America going to obtain full faith and credit as provided by Title 26 U.S.C. § 6511(d)(2)(B)(iii) and by Article IV, Section 1 of the Constitution of the United States?

(b)
LIST OF PETITIONERS

RICHARD FUSELIER.....Petitioner
UNITED STATES.....Respondent

(c)
CORPORATE DISCLOSURE

The Petitioner, Richard Fuselier, avers that no corporation as provided by Rule 29.6 is a party herein.

(d)
SUPREME COURT RULE 20.1

Rule 20.1 is inapplicable as the writ is not authorized by Title 28 U.S.C. § 1651(a). The writ is authorized by Article 1, Clause 2, Section 9 of the Constitution and is also provided in statutes of the United States in Title 28 U.S.C. § 2241(a) entitled "Power to grant writ".

(e)

SUPREME COURT RULE 20.4

Supreme Court Rule 20.4(a) is not applicable as the original application for habeas corpus relief was made in the district court by entering evidence of a return issuing out of common law. The said district court did not give full faith and credit of the substantial fact that Richard Fuselier is not a United States citizen. This is an appeal of right of the District Court decision to suspend the Writ of Habeas Corpus Ad Subjiciendum.

Adequate relief of an illegal assessment proceeding is not available in the United States Court of Federal Claims as the United States invoked the protection provided by Title 28 U.S.C. § 1500 by filing a forum shopping civil proceeding against the petitioner in the United States District Court for the Western District of Louisiana.

Adequate relief is not available in the Common Law Court of the United States of America as the United States has waived the right to traverse the said return and no dispute exist of any issue of law or fact at common plea.

Adequate relief is not available in the Fifth Circuit Court of Appeals for the United States as the said Court has denied the writ.

Adequate relief is not available in the other courts of the United States as the petitioner, an alien to the United States, lacks standing to sue as a United States citizen and is not engaged in commercial activity.

Adequate relief is provided by Title 48 as hereinafter appears as the only issue to be litigated is full faith and credit of the judicial determinations of the United States of America.

(f)

CITATION OF COURT ORDERS

United States Court of Appeals for the Fifth Circuit #05-30346 letter dated September 28, 2005 denying a Writ of Habeas Corpus without comment.

The order of the Common Law Court of the United States of America, In Ref to Richard Fuselier mailed to the Fifth Circuit on September 19, 2005.

(g)

STATEMENT OF JURISDICTION

i.

The order to be reviewed was a decision of the United States Court of Appeals for the Fifth Circuit in Docket # 05-30346 entitled USA v. Fuselier. Said court denied a writ of habeas corpus without comment.

ii.

The petitioner is invoking the Court's appellate jurisdiction as provided by Title 28 U.S.C. § 1253. The authority for Supreme Court review is provided by Title 48 U.S.C. § 1493.

iii.

Service has been made on the Solicitor General of the United States.

(h)
AUTHORITIES

Constitution of the United States.
Article 1, Section 9, Clause 2
Article 1, Section 9, Clause 10
Article 4, Section 1.
Amendment IX.
Amendment X.

United States Law
Title 26 U.S.C. § 6511(d)(2)(B)(iii).
Title 26 U.S.C. § 643(b)
Title 26 U.S.C. § 7422(a) & (e)
Title 26 C.F.R. § 601.502(a)(1)
Title 28 U.S.C. § 1253
Title 28 U.S.C. § 1294(1)
Title 28 U.S.C. § 1492
Title 28 U.S.C. § 1500
Title 28 U.S.C. §1652
Title 28 U.S.C. § 2248
Title 28 U.S.C. § 2502(a)
Title 48 U.S.C. § 1493(c)

Federal Rule of Appellate Procedure 21(b)(1)

(i).

STATEMENT OF THE CASE

The petitioner and others recreated the organic republic by forming a common law jurisdiction under the reservation of authority provided by Amendment IX and X of the Constitution of the United States. Said jurisdiction was used to abrogate United States citizenship of the petitioner and establish foreign estates for tax claims. The citizenship abrogation was a choice of law action. The intent was to claim a common law trial using the privilege of Habeas Corpus as provided Article 1, Section 9, Clause 2 .

The petitioner noticed the United States of said facts and proceeded to make refund claims with the Internal Revenue Service and in the United States Court of Federal Claims using common law judgements. The petitioner eventually amended and made a claim provided by Title 26 § U.S.C. § 643(b) and 26CFR 601.502(a)(1). The United States started a civil proceeding in the United States District Court as provided by Title 28 U.S.C. § 1500.

The said civil proceeding resulted from an omission by the United States of the mandatory relief provided by Title 26 U.S.C. § 6511(d)(2)(B)(iii).

The petitioner rebutted the presumption of United States citizenship as provided by Title 28 U.S.C. § 1652. The District Court denied said mandatory relief.

The Petitioner then appealed by filing a Writ of Habeas Corpus in the United States Court of Appeals for the Fifth Circuit as provided by Title 28 U.S.C. § 1294(2) as a reviewable decision of a District and territorial court. The territorial decision issued out of the said Common Law Court of the United States of America. The said federal appeals court denied the writ without comment as provided by Federal Rule of Appellate Procedure 21(b)(1). The denial of said writ is a reversible error as provided by the mandates of Title 28 U.S.C. §§s 1652, 2248 and the Constitution of the United States Article IV, Section 1 and Article I, Section 9, Clauses 2 and 10.

(j)
(i)

The basis for federal jurisdiction in the United States Court of Federal Claims in the first instance is provided by Title 28 U.S.C. § 1492 and U.S.C. § 7422(a) of Title 26. The referral by Congress to the United States Court of Federal Claims is provided by Title 28 U.S.C. § 2502 and U.S.C. § 7422(e) of Title 26.

(k)

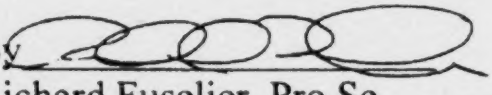
REASONS FOR ALLOWANCE OF WRIT

The petitioner, being a citizen of a foreign state and domiciled therein, is being detained in violation of an order of a foreign state, the validity and effect of which depend upon the law of nations.

The issues of law and fact are res judicata. Title 28 U.S.C. §§s 1652, 2248 and Article IV, Section 1 of the Constitution of the United States provide mandatory relief for the condition of fact that Richard Fuselier is not a United States citizen.

United States of America

Executed on this 8th day of March, 2006. I declare under penalty of perjury that the foregoing is true and correct.

By 

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